

Chairperson Michael Beckendorf
Vice Chairperson John Bond



Commissioners
Pete Bienski
Leo Gonzalez
Bobby Gutierrez
Scott Hickle
G.H. Jones
Kevin Krolczyk
Prentiss Madison

MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, DECEMBER 6, 2012 – 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription*

1. CALL TO ORDER.

Chairperson Beckendorf called the meeting to order at 6:00pm.

Commissioners	Present	2012 Regular Meetings Held	2012 Regular Meetings Attended	Regular Meetings Held During Last 6 Months	Regular Meetings Attended During Last 6 Months
Michael Beckendorf	Yes	17	17	8	8
Pete Bienski	Yes	17	16	8	7
Johnny Bond	Yes	17	16	8	8
Leo Gonzalez	Yes	17	12	8	5
Bobby Gutierrez	Yes	17	12	8	5
Scott Hickle	Yes	17	16	8	7
G. H. Jones	No	17	16	8	7
Kevin Krolczyk	Yes	17	15	8	7
Prentiss Madison	Yes	17	14	8	6

Staff Members Present:

Mr. Martin Zimmermann, Planning Administrator; Mr. Matthew Hilgemeier, Staff Planner; Ms. Maggie Dalton, Staff Planner; and Ms. Meredith Riede, First Assistant City Attorney.

2. HEAR CITIZENS.

Ms. Sharon Anderson, 2304 Cindy Lane, spoke about Teserra Mobile Home Park on Finfeather Road. She stated that the fence has not been repaired and requests that the owner of the property repair it as

soon as possible for the safety of the neighborhood. She referred to the letter Mr. Lorden has submitted back in November (on file in the Development Services office).

Mr. Joshua Lorden, 4513 Log Hollow, owner of Teserra Mobile Home Park, stated that he was working to secure financing to make repairs.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.

No affidavits were filed.

4. CONSENT AGENDA.

A. Approval of meeting minutes from workshop and regular meetings on November 15, 2012.

B. Final Plat FP12-12: Brazos Place Subdivision

M. Hilgemeier

Proposed Final Plat of Brazos Place Subdivision, being 19.844 acres of land out of the J.W. Scott Survey, located at the southwest corner of Boonville Road (F.M. 158) and Pendleton Drive in Bryan, Brazos County, Texas.

Commissioner Hickle moved to approve the Consent Agenda. Commissioner Bond seconded the motion.

Chairperson Beckendorf asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

5. Replat RP12-30: Bryan Original Townsite Block 167

M. Hilgemeier

Proposed Replat of Lots 1 thru 5 in Block 167 of the Bryan Original Townsite, being 0.66 acres of land adjoining the north side of the 400 block of West 18th Street between North Sims and North Sterling Avenues in Bryan, Brazos County, Texas.

Mr. Hilgemeier presented the staff report (on file in the Development Services office). Staff recommends approving the proposed replat as it conforms to all applicable development regulations and ordinances.

The public hearing was opened.

Mr. Walter Felder, 405 West 17th Street, asked for clarification about the case regarding what would be built on the lots, if the future construction were to be apartments, the purpose of the replat, and if a privacy fence would be built to protect his property. He asked if the new construction would affect his property taxes, and wanted to know when the homes would be built.

Mr. Hilgemeier stated that the lots would be for single-family residences only and that apartments would not be built on these lots. Mr. Hilgemeier suggested checking with the tax office regarding property taxes. He stated he was unaware of when homes would begin construction on the lots.

The public hearing was closed.

Commissioner Bienski moved to approve Replat RP 12-30, the proposed Replat of Lots 1 thru 5 in Block 167 of the Bryan Original Townsite, being 0.66 acres of land, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Hickle seconded the motion.

Commissioner Bienski stated that the replat meets all applicable codes and ordinances and the SDRC recommended approval, which is why he moved to approve the replat.

Commissioner Gonzalez stated that it is good to see development in this neighborhood of Bryan, and the replat will allow a contractor to build only four homes now instead of five.

The motion passed with a unanimous vote.

- 6. Replat RP12-31: Briar Meadows Creek Subdivision – Phase 3** **M. Hilgemeier**
Proposed Replat of Lot 1 in Briar Meadows Creek Subdivision – Phase 3, being 10.58 acres of land located at the southwest corner of West William Joel Bryan Parkway (F.M. 158) and Nash Street in Bryan, Brazos County, Texas.

Mr. Hilgemeier presented the staff report (on file in the Development Services office). Staff recommends approving the proposed replat as it conforms to all applicable development regulations and ordinances.

Responding to a question from Commissioner Hickle, Mr. Hilgemeier stated that a new convenience store is proposed at this location.
The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Hickle moved to approve Replat RP 12-31, the proposed Replat of Lot 1 in Briar Meadows Creek Subdivision – Phase 3, being 10.58 acres of land, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for replatting. Commissioner Bond seconded the motion.

Commissioner Hickle stated that this development is a win for Bryan, it is a good location for convenience store and gas station, and he thanked the developers for bringing the project to the area.

The motion passed with a unanimous vote.

- 7. Rezoning RZ12-15: Bona Fide Acquisitions, LLC** **R. Haynes**
A request to change the zoning classification from Retail District (C-2) to Residential District – 5000 (RD-5) on 0.493 acres land located at the south corner of South College Avenue (State Highway 308) and West Brookside Drive, being part of Lot 11 in Block 5 of Borderbrook Subdivision No. 2 in Bryan, Brazos County, Texas.

Mr. Zimmermann presented the staff report (on file in the Development Services office). Staff recommends approving the request based on the following:

- Staff contends that the land uses allowed in the RD-5 district will be compatible in the immediate area surrounding the subject property and would fit within the adopted goals and land use policies set out in the Comprehensive Plan.
- Staff contends that approving this zone change requests will not make land classified for similar development in the vicinity or elsewhere in the City unavailable for residential development.
- Staff is unable to discern any other factors related to this rezoning request that will adversely affect health, safety, morals, or general welfare.

Responding to a question from Commissioner Gonzalez, Mr. Zimmermann stated that he did not have the dimensions of the property but if the applicant were to divide the property the minimum requirements for RD-5 zoning is a 50' lot width.

Responding to a question from Commissioner Hickle, Mr. Zimmermann stated that Land and Site Development Ordinance discourages driveway access to major roadways like South College Avenue and driveway at this location would likely create an unsafe situation. He explained that the applicant would likely take access from West Brookside Drive. He stated that the applicants are aware of driveway access concerns.

The public hearing was opened.

Mr. Floyd Golan, 106 Greenway, spoke in opposition to the request, stating he had reservations about the lot being subdivided in the future and mentioned flooding issues. He asked that the Commission consider drainage issues before subdividing property because it will affect residences on Greenway Drive.

Mr. Zimmermann stated that if in the future the applicant subdivided the property, the replat would need to meet all applicable codes and ordinances, and drainage standards are part of those requirements.

Responding to a question from Commissioner Gonzalez, Mr. Zimmermann stated that if the property were rezoned to RD-5 District, as requested, then nearby property owners would be notified of any applications for replatting on this property.

The public hearing was closed.

Commissioner Madison moved to recommend approval of Rezoning RZ12-15 to the Bryan City Council, and to adopt the written staff report and analysis, as the report, findings and evaluation of this Commission. Commissioner Gonzalez seconded the motion.

Commissioner Madison stated that he moved for approval because notification is required for the property if subdivided in the future.

Commissioner Gonzalez stated that the rezoning of the property to Residential District – 5000 would give property owners in the area more protection currently the property could develop as a commercial use.

Commissioner Hickle thanked the neighbors for attending the meeting and stated that a home at this address would be a prime location.

Responding to a question from Commissioner Gonzalez, Mr. Zimmermann stated that a subdivision of the property would have to be considered by the Planning and Zoning Commission after review by the Site Development Review Committee.

Chairperson Beckendorf stated that he would not be in favor of subdividing this lot in the future.

Responding to a question from Commissioner Bond, Mr. Zimmermann stated that he Commission condition a motion to recommend approval of a rezoning to restrict the future subdivision of this tract. Ms. Meredith Riede added that for RD-5 zoning, a replat would need to meet all the requirements set forth before it is brought to the Planning and Zoning Commission for consideration.

Responding to a question from Commissioner Krolczyk, Ms. Riede stated that should a future replat meet all applicable requirements, then the Commission must approve it. She stated that staff has the SDRC process to review plats to make sure it meets all requirements.

Responding to a question from Chairperson Beckendorf, Ms. Riede stated that the Commission's decision is to either leave the property zoned C-2 District or recommend to the Council to change it to RD-5 District.

Commissioner Hickle stated that if the Commission voted to deny the request, then the property could develop as a commercial lot, which could lead to more dire circumstances if left as is. He suggested the Commission recommend approval of the rezoning since they cannot predict what the applicant will do in the future with regards to the subdividing of the property if it is rezoned for residential use.

Responding to a question from Commissioner Bienski, Mr. Zimmermann stated that neighboring lots to the south, east, and west are currently zoned RD-5 District.

Commissioner Gonzalez stated that the surrounding lots appear to be narrow and that subdividing the lot will still look good in the neighborhood.

The motion passed with a vote of seven (7) votes in favor and one (1) vote in opposition. Commissioner Bond cast the vote in opposition.

8. Planning Variance PV12-09: We Rent It Subdivision

M. Dalton

A request for approval of a 56-foot variance from the minimum 200-foot lot depth generally required on lots in Industrial zoning districts of Bryan, to allow the creation of a new lot proposed to be as few as 144 feet in depth.

Ms. Dalton presented the staff report (on file in the Development Services office). Staff recommends approving the request based on the following:

- Staff contends that although the proposed lot only has a depth of as few as 144.48 feet, the width and overall area will mitigate the lack of depth.
- Staff contends that granting this variance will not have any adverse effect on development of this or any other property in the area and that approving this variance will not prevent the orderly development of land in this vicinity.
- Staff believes that if the variance were granted, the intent of the ordinance will still be observed.

Responding to a question from Commissioner Krolczyk, Ms. Dalton stated that there is an existing building footprint currently established on the property.

The public hearing was opened.

Mr. Rabon Metcalf, 7607 Eastmark Drive, College Station – Engineer, stated that there is an existing building footprint and a significant topographic change of 5 to 6 feet. He stated the lot could be extended to meet the requirements of the ordinance, but it would create an unusable portion on the lot.

The public hearing was closed.

Commissioner Hickle moved to approve Planning Variance PV12-09, because strict compliance with the regulation will result in undue hardship, and in so moving adopt the written staff report and analysis as the findings of this Commission and the facts upon which those findings are based, with the understanding that such findings and facts will be entered into the official minutes of this Planning and Zoning Commission meeting. Commissioner Krolczyk seconded the motion.

Chairperson Beckendorf asked if there was any discussion, there was none.

The motion passed with a unanimous vote.

9. Final Plat FP12-13: We Rent It Subdivision
Proposed Final Plat of We Rent It Subdivision.

M. Dalton

Ms. Dalton presented the staff report (on file in the Development Services office). Staff recommends approving the proposed final plat as it conforms to all applicable development regulations and ordinances with the approval of Planning Variance case PV12-09.

Commissioner Hickle moved to approve Final Plat FP12-13, the proposed Final Plat of We Rent It Subdivision, being 4.48 acres of land, based on staff's recommendations and review which considers adherence to all pertinent state and local requirements for platting. Commissioner Gonzalez seconded the motion.

Chairperson Beckendorf asked if there was any discussion. There was none.

The motion passed with a unanimous vote.

10. ADJOURN.

Commissioner Bond stated that serving on the Planning and Zoning Commission has been a positive experience. He stated he has a tremendous amount of respect for staff and for their work with the Commission. He stated he has made any new friends on the Commission, with the City, and with the citizens. Lastly, he stated that the Planning and Zoning Commission has always done well in representing the citizens with the decisions being made by the Commission.

Without objection, Chairperson Beckendorf adjourned the meeting at 6:39pm.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **17th** day of **January, 2013**.

_____, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Martin Zimmermann, Planning Administrator
and Secretary to the Planning and Zoning
Commission